

MAY 4, 2006

ENERGY & ENVIRONMENT COMMITTEE  
REPORT NO. 8

ALL MEMBERS PRESENT.

1. RESOLVED, the following items are hereby received and filed.
- a. COMM. 6E-21 (2006)  
COUNTY EXECUTIVE: ECSD No. 4 - Contract No. 37 - Didion Road and Brunck Rd. - Sanitary Sewer Project - Bid Opening (4-0)

b. COMM. 7E-21 (2006)  
COUNTY EXECUTIVE: ECSD No. 3 - Erie County Sewer Agency Report - Engel Drive Extension (4-0)

c. COMM. 7E-22 (2006)  
COUNTY EXECUTIVE: ECSD No. 6/STSTA - Disinfection Improvements - Contract No. 6ST-B - Change Order No. 1 - John W. Danforth Company (4-0)

d. COMM. 7D-7 (2006)  
DEP: SEQR - Solicitation for Lead Agency Status - Boston State Road - Town of Boston - ECSD No. 3 (4-0)

e. COMM. 8E-22 (2006)  
COUNTY EXECUTIVE: ECSD No. 2 - Engineer Term Agreement - Work Order:MPI-5 (4-0)

2a. COMM. 28E-15 (2006)  
COUNTY EXECUTIVE

AS AMENDED

RESOLUTION NO. \_\_\_\_\_-2006

A RESOLUTION APPROVING AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY-SOUTHTOWNS SEWAGE TREATMENT AGENCY IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) \_\_\_\_\_, 2006.  
(Adopted) \_\_\_\_\_, 2006.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5 -A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York, has heretofore been established and created on April 9, 1963 (the “District”) to provide sewer services to the Village of Orchard Park, the north and central portions of the Town of Orchard Park, the northeast portion of the Town of Hamburg and the southerly portion of the Town of West Seneca, and

WHEREAS, the Erie County-Southtowns Sewage Treatment Agency (the “Southtowns Agency”) has heretofore been created pursuant to an inter-municipal agreement dated December 30, 1974, as amended, (the “Southtowns Agreement”) for the purpose of establishment, construction, operation, and maintenance of the Southtowns Advanced Wastewater Treatment Facility (the “Southtowns Treatment Facility”) for the benefit of Erie County Sewer District No. 3, the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, Wanakah Sewer District No. 3, Mount Vernon Sewer District No. 2, the Village of Hamburg and the Village of Blasdell; and

WHEREAS, pursuant to the Southtowns Agreement the County, acting for and on behalf of Erie County Sewer District No. 3, was responsible for financing the total project costs for the Southtowns Treatment Facility; and

WHEREAS, in accordance with its responsibilities to maintain the Southtowns Treatment Facility pursuant to the Southtowns Agreement, the Southtowns Agency has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of the Southtowns Sewer Management Agency on October 27, 2005 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District (Southtowns Sewage Treatment Agency), consisting of the replacement of three fuel oil tanks, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$1,000,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3,

(iv) Mount Vernon Sewer District No. 2, (v) the Village of Hamburg and (vi) the Village of Blasdell; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and

WHEREAS, said County Legislature duly adopted Resolution No. 61-2006 on March 2, 2006, calling a meeting of the County Legislature for the purpose of holding a public hearing on said increase and improvement of facilities in accordance with said report and estimate of cost; and

WHEREAS, such Resolution authorized and directed the Clerk of said County Legislature to publish the notice of public hearing and file a certified copy of such notice with the office of the State Comptroller; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4<sup>th</sup> Floor, in Buffalo, New York, in said County, on April 6, 2006, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published and filed in the manner provided by law and proof thereof was submitted to said County Legislature; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to proceed with the expenditure for the increase and improvement of the facilities of Erie County-Southtowns Sewage Treatment Agency, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$1,000,000.

Section 2. The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$1,000,000, to be apportioned in accordance with the Southtowns Agreement among (i) Erie County Sewer District No. 3, (ii) the Town of Hamburg on behalf of the Hamburg Master Sewer District, Amsdell Heights, Locksley Park, Cloverbank, Benz and Taylor Road Sewer Districts being Sewer District Nos. 21, 7, 10, 5, 4, 8, and 11 of the Town of Hamburg, (iii) Wanakah Sewer District No. 3, (iv) Mount Vernon Sewer District No. 2, (v) the Village of Hamburg, and (vi) the Village of Blasdell; each in accordance with their respective proportionate shares of equivalent dwelling units in their service areas, as determined pursuant to the Southtowns Agreement.

Section 3. This resolution shall take effect immediately.

(4-0)

2b. COMM. 28E-15 (2006)

**AS AMENDED**

**COUNTY EXECUTIVE**

RESOLUTION NO. \_\_\_\_\_-2006

A RESOLUTION APPROVING AN INCREASE AND IMPROVEMENT OF THE FACILITIES OF THE ERIE COUNTY SEWER DISTRICT NO. 3 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) \_\_\_\_\_, 2006.

(Adopted) \_\_\_\_\_, 2006.

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, including approving orders of the State Comptroller, County Sewer District No. 3 of the County of Erie, New York, has heretofore been established and created on April 9, 1963 (the "District") to provide sewer services to the Village of Orchard Park, most of the Town of Orchard Park, and parts of the Towns of West Seneca and Hamburg; and

WHEREAS, since the 1970s extensions to the District known as the Boston Valley, Armor-McKinley, Blasdell, Hamburg and Holland Extensions were formed; and

WHEREAS, the District and all extensions thereof were consolidated in 2003; and

WHEREAS, the Board of Managers of Erie County Sewer District No. 3 has duly directed that there be prepared a report and estimate of cost by the County Engineers (Erie County Department of Environment and Planning) relating to a proposed increase and improvement of the facilities of the District which report and estimate of cost have been approved by the Board of Managers of Erie County Sewer District No. 3 on December 7, 2005 and filed with the County Legislature pursuant to Section 268 of the County Law; and

WHEREAS, said report and estimate of cost describe a proposed increase and improvement of the facilities of the District, consisting of the installation of approximately 5,500 linear feet of 8 inch diameter polyvinyl chloride (PVC) pipe, as more fully described in the report and estimate of cost hereinbefore referred to; and

WHEREAS, the maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$592,000, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewered units in the District, (ii) applicable flat

charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 3; and

WHEREAS, pursuant to Section 258 of the County Law, as amended by Chapter 397 of the Laws of 1995, the consent of the State Comptroller is not required prior to the construction of said increase and improvement of facilities of the District because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller and such cost is \$1.00; and

WHEREAS, said County Legislature duly adopted Resolution No. 60-2006 on March 2, 2006, calling a meeting of the County Legislature for the purpose of holding a public hearing on said increase and improvement of facilities in accordance with said report and estimate of cost; and

WHEREAS, such Resolution authorized and directed the Clerk of said County Legislature to publish the notice of public hearing and file a certified copy of such notice with the office of the State Comptroller; and

WHEREAS, said public hearing was duly held at 92 Franklin Street, 4<sup>th</sup> Floor, in Buffalo, New York, in said County, on April 6, 2006, at 1:30 o'clock P.M., Prevailing Time; and

WHEREAS, notice of said public hearing was duly published and filed in the manner provided by law and proof thereof was submitted to said County Legislature; and

NOW, THEREFORE, BE IT RESOLVED BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE, NEW YORK, AS FOLLOWS:

Section 1. Upon the evidence given at the aforesaid public hearing, it is hereby found and determined that it is in the public interest to proceed with the expenditure for the increase and improvement of the facilities of Erie County Sewer District No. 3, all as more fully described in the preambles hereof, and such increase and improvement of facilities is hereby authorized at a maximum estimated cost of \$592,000.

Section 2. The maximum estimated cost of the aforesaid increase and improvement of the facilities of the District is \$592,000, to be apportioned among real properties in the District in accordance with (i) their respective proportionate shares of sewered units in the District, (ii) applicable flat charges, and (iii) assessments against a benefited area which consists of the entire area of said Sewer District No. 3.

Section 3. This resolution shall take effect immediately.

2c. COMM. 28E-15 (2006)  
**COUNTY EXECUTIVE**

**AS AMENDED**

RESOLUTION NO. \_\_\_\_  
RESOLUTION DATED \_\_\_\_\_, 2006.

A RESOLUTION CALLING A PUBLIC HEARING FOR THE PURPOSE OF CONSIDERING A PROPOSED EXTENSION OF THE ERIE COUNTY SEWER DISTRICT NO. 3 IN THE COUNTY OF ERIE, NEW YORK.

(Introduced) \_\_\_\_\_, 2006  
(Adopted) \_\_\_\_\_, 2006

WHEREAS, pursuant to proceedings heretofore had and taken in accordance with the provisions of Article 5-A of the County Law, a report of the Erie County Sewer Agency dated February 15, 2006 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated February 15, 2006, an extension of Sewer District No. 3 of the County of Erie, New York has been proposed; and

WHEREAS, a map and plan have been duly prepared by the County Engineers (Erie County Department of Environment and Planning) relating to such extension of the Erie County Sewer District No. 3, which map and plan have been filed with the County Legislature pursuant to Section 254 of the County Law; and

WHEREAS, there will be a cost increase of \$0.50 per unit incurred by the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the acquisition of the existing collection systems and related facilities, in accordance with applicable flat charges and charges based on units, assessed value and footage, specified in the District's benefit assessment formula and rates, as such formulas currently exist and as amended from time to time; and

WHEREAS, hook up fees are \$250 per home for a lateral hook-up, \$250 per home for inspections associated with subdivisions and a \$2 permit fee at the time of connection; and

WHEREAS, pursuant to Section 258 of the County Law, the consent of the State Comptroller is not required prior to the extension of said Erie County Sewer District No. 3 because the cost thereof to the Typical Property (as defined in the County Law) does not exceed the Average Estimated Cost to the Typical Properties for similar types of expenditures, as computed by the State Comptroller; and

WHEREAS, it is now desired to call a public hearing to consider said extension of the Erie County Sewer District No. 3 in accordance with the provisions of Sections 254 and 274 of the County Law;

NOW, THEREFORE, BE IT

RESOLVED, BY THE COUNTY LEGISLATURE OF THE COUNTY OF ERIE,  
NEW YORK, AS FOLLOWS:

Section 1. A meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Frankin Street, 4<sup>th</sup> Floor in Buffalo, New York, in said County, on the 25<sup>th</sup> day of May 2006, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon the aforesaid proposal to extend the Erie County Sewer District No. 3 in said County, and for such other action on the part of said County Legislature in relation thereto as may be required by law.

Section 2. The notice of such public hearing shall be in substantially the following form,  
to-wit:

NOTICE OF PUBLIC HEARING

PLEASE TAKE NOTICE that a meeting of the County Legislature of the County of Erie, New York, shall be held at 92 Franklin Street, 4<sup>th</sup> Floor in Buffalo, New York, in said County, on the 25<sup>th</sup> day of May, 2006, at 1:30 o'clock P.M., Prevailing Time, for the purpose of conducting a public hearing upon a proposed extension of the Erie County Sewer District No. 3 in said County.

The extension of said Erie City Sewer District No. 3 shall be substantially in conformity with and pursuant to a report of the Erie County Sewer Agency dated February 15, 2006 and a resolution of the Erie County Sewer District No. 3 Board of Managers dated February 15, 2006, heretofore filed with the Board of Managers of Erie County Sewer District No. 3.

The proposed extension of the Erie County Sewer District No. 3 shall comprise the area described as follows:

ALL THAT TRACT OR PARCEL OF LAND, situate in the Town of Hamburg, County of Erie and State of New York, being part of Lot 18, Township 9, Range 8 of the Holland Land Company's Survey, and further described as follows:

BEGINNING at a point on the north line of Old Lakeview Road, the said point also being on the east line of Engel Drive; thence easterly along the north line of Old Lakeview Road, a distance of 118 feet more or less to the southeast corner of Parcel No. 195.03-2-8; thence northerly along the east line of said parcel, a distance of 186 feet more or less to the northeast corner of said parcel; thence westerly along the north line of said parcel, a distance of 53 feet more or less to the northeast corner of Sublot No. 1, Map Cover 1761 as filed in the Erie County Clerk's office; thence northerly along the east line of said Map Cover and extension thereof, a distance of 495 feet more or less to the northeast corner of Parcel No. 195.03-2-2.1; thence westerly at a right angle, a distance of 256 feet more or less to the west line of Engel Drive; thence

northwesterly along a curve to the left and along the Engel Drive right-of-way, a distance of 129 feet more or less to the east line of Sublot No. 7, Map Cover 1761; thence northerly along the east line of said Sublot No. 7, a distance of 3 feet more or less to the northeast corner of said Sublot No. 7; thence westerly along the north line of said Sublot No. 7, a distance of 290 feet more or less to the northwest corner of Sublot No. 7, Map Cover 1761; thence southerly along the west line of Map Cover 1761, a distance of 829 feet more or less to the southwest corner of Sublot No. 13, Map Cover 1761; thence easterly along the south line of Map Cover 1761, a distance of 375 feet more or less to the north line of Old Lakeview Road; thence easterly along the north line of Old Lakeview Road, a distance of 130 feet more or less to the point or place of beginning.

No additional capital improvements are proposed to be constructed however, there will be a cost increase of \$0.50 per unit incurred by or on behalf of the Erie County Sewer District No. 3 with respect to the extension of the boundaries of such District and the acquisition of the existing collection systems and related facilities, but future annual charges will be apportioned between real property in the District in accordance with their respective proportionate shares in accordance applicable flat charges, hook-up charges and charges based on units, assessed value and footage, specified in the District's Benefit and User Charge formulas, as such formulas currently exist and as amended from time to time.

Hook up fees are currently \$250 per home for a lateral hook-up, \$250 per home for inspections associated with subdivisions and a \$2 permit fee at the time of connection.  
Dated: Buffalo, New York,

\_\_\_\_\_, 2006.

BY ORDER OF THE COUNTY LEGISLATURE  
OF THE COUNTY OF ERIE, NEW YORK

By \_\_\_\_\_  
Kevin M. Kelley  
Clerk, County Legislature

Section 3. The Clerk of said County Legislature is hereby authorized and directed to cause a copy of the Notice of Public Hearing as set forth in Section 2 hereof to be published once in Amherst Bee and in Front Page, the official newspapers of said County, not less than ten nor more than twenty days before the date set herein for said public hearing.

Section 4. This resolution shall take effect immediately.  
(4-0)

3. COMM. 6E-22 (2006)  
COUNTY EXECUTIVE

AS AMENDED

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District Number 2, Utica Trunk Sewer Replacement Project, Contract 60EV on April 6, 2006.

<u>Contract</u>	<u>Lower Responsible Bidder</u>	<u>Amount Bid</u>
Contract 60EV	CMH Construction, Inc. 2067 Old Union Road Cheektowaga, New York 14227	\$838,856.00

WHEREAS, the aforementioned lowest Responsible bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that the Sutica Trunk Sewer Replacement Project, Contract No. 60EV be awarded to the lowest responsible bidder as follows:

<u>Contract</u>	<u>Lower Responsible Bidder</u>	<u>Amount Bid</u>
Contract 60EV	CMH Construction, Inc. 2067 Old Union Road Cheektowaga, New York 14227	\$838,856.00

And be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder subject to approval as to form by the County Attorney and certification of availability of funds by the Comptroller’s Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$838,856.00 from Sewer Capital, Erie County Sewer District No. 2, Account C.00011, for Contract 60EV; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; two (2) certified copies to Thomas J. Whetham, P.E., Department of Environment and Planning; one certified copy to Gregory Gach, Erie County Comptroller’s Office and one certified copy to Gregory Dudek, Assistant County Attorney.

4. COMM. 7E-23 (2006)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 6ST-C, Plumbing, to W.C. Roberson Plumbing & Construction Corp. for the disinfection improvements at the Southtowns Sewage Treatment Plant; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 6ST-C, Plumbing, in the final contract amount of \$36,117.50 which includes Change Order No. 2 (final), a decrease of \$1,000.00, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 6ST-C, Plumbing, between the County of Erie and W.C. Roberson Plumbing & Construction Corp., 602 East Delevan Avenue, Buffalo, NY 14211 is accepted in the amount of \$36,117.50, which includes Change Order No. 2 (final), a decrease of \$1,000.00, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 6ST-C, Plumbing, between the County of Erie and W.C. Roberson Plumbing & Construction Corp. in the amount of \$36,117.50 and release all retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to Joel Giambra, County Executive, Mark Poloncarz, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and Kenneth Vetter, Director of Budget and Management.

(4-0)

5. COMM. 7E-24 (2006)  
COUNTY EXECUTIVE

WHEREAS, the Erie County Legislature had awarded Contract No. 66STP-C, Plumbing, to W.C. Roberson Plumbing & Construction Corp. for the disinfection improve ments at the Big Sister Creek Treatment Plant; and

WHEREAS, the Erie County Division of Sewerage Management has advised the Legislature that all scheduled improvements are now completed; and

WHEREAS, the Erie County Department of Environment and Planning has recommended the acceptance of Contract No. 66STP-C, Plumbing, in the final contract amount of \$9,700.00 which includes Change Order No. 1 (final), a decrease of \$5,000.00, and approval for final payment.

NOW, THEREFORE, BE IT

RESOLVED, that Contract No. 66STP-C, Plumbing, between the County of Erie and W.C. Roberson Plumbing & Construction Corp., 602 East Delevan Avenue, Buffalo, NY 14211 is accepted in the amount of \$9,700.00, which includes Change Order No. 1 (final), a decrease of \$5,000.00, and release of retention is approved; and be it further

RESOLVED, that the Erie County Comptroller is hereby authorized and directed to finalize Contract No. 66STP-C, Plumbing, between the County of Erie and W.C. Roberson Plumbing & Construction Corp. in the amount of \$9,700.00 and the release of retention; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of this Resolution to Thomas J. Whetham, P.E., Department of Environment and Planning and one certified copy to Joel Giambra, County Executive, Mark Poloncarz, Erie County Comptroller, Gregory Dudek, Assistant County Attorney and Kenneth Vetter, Director of Budget and Management.  
(4-0)

6. COMM. 7E-25 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management retained the services of the County’s performance contractor to perform a comprehensive energy audit at various facilities within Erie County Sewer District No. 6, pursuant to Communication No. 14E-50; and

WHEREAS, the study identified several energy conservation measures that would lower the utility costs incurred by Erie County Sewer District No. 6; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management concurs with the recommendations and proposed program offered for Erie County Sewer District No. 6; and

WHEREAS, the Erie County Department of Environment and Planning, Division of Sewerage Management has identified the need to retain the performance contractor to provide engineering design and construction phase services for implementation of the recognized energy conservation measures for County-owned facilities in Erie County Sewer District No. 6; and

WHEREAS, the Department of Environment and Planning has recommended the firm of Chevron Energy Solutions Company, 12980 Foster Drive, 4<sup>th</sup> Floor, Overland Park, Kansas 66213-2649 for this work.

NOW, THEREFORE, BE IT

RESOLVED, that the firm of Chevron Energy Solutions Company be retained at a cost not to exceed \$300,000 for engineering design and construction of the energy conservation measures; and be it further

RESOLVED, that the County Executive, be and hereby is, authorized to execute an Energy Performance Contract with the firm of Chevron Energy Solutions Company, 12980 Foster Drive, 4<sup>th</sup> Floor, Overland Park, Kansas 66213-2649, to provide the needed engineering and construction services, subject to approval as to form by the County Attorney’s Office and approval as to content by the Commissioner of the Department of Environment and Planning; and be it further

RESOLVED, that the Director of Budget, Management and Finance be directed to allocate a total of \$300,000 for the Agreement from Sewer Capital Account C.00001; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send two (2) certified copies of the Resolution to Thomas J. Whetham, P.E., Deputy Commissioner, Department of Environment and Planning, and one (1) certified copy each to Joel A. Giambra, County Executive; Mark C. Poloncarz, Erie County Comptroller; Gregory J. Dudek, Assistant County Attorney; and Kenneth Vetter, Director of Budget, Management and Finance.  
(4-0)

7. COMM. 7E-29 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, the Department of Public Works and the Department of Environment and Planning/Division of Sewerage Management advertised and received qualification statements from firms interested in contracting with Erie County through Performance Contracting, and

WHEREAS, Performance Contractors evaluate assigned facilities and determine programs in which capital improvements are fully funded by the savings derived from those improvements, and

WHEREAS, those savings are guaranteed and the program has a ten or fifteen year length, and

WHEREAS, a review team was established that evaluated the Request for Qualification statements and recommends that two firms, Siemens Building Technologies and Chevron Energy Solutions, be awarded contracts,

NOW, THEREFORE, BE IT,

RESOLVED, that the Erie County Legislature authorizes the award of a general contract to Siemens Building Technologies and Chevron Energy Solutions for the execution of Performance Contracting at County-owned facilities as assigned by the Department of Public Works and the Department of Environment and Planning, and be it further

RESOLVED, that two certified copies of this resolution shall be forwarded to the Commissioner of Public Works, the Commissioner of Environment & Planning, the Director of Budget, Management and Finance, and the Office of the Comptroller.  
(4-0)

8. COMM. 8E-10 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, The County of Erie has been authorized to enter into an agreement with the New York State Canal Corporation to coordinate design and construction of the Erie Canal Way Trail through parts of the Towns of Amherst and Tonawanda in accordance with Resolution Comm. 2E-39 adopted February 15, 2001; and

WHEREAS, a first amendatory agreement to said agreement was executed on March 3, 2005 in accordance with Resolution Number Comm. 8 E-9 adopted May 22, 2003; and

WHEREAS, prior to project bidding the New York State Canal Corporation, New York State Department of Transportation, and Federal Highway Administration require land control agreements to be in place allowing public access to the trails being developed on Erie County and New York State Canal Corporation lands.

NOW, THEREFORE, BE IT

RESOLVED, that the Erie County Executive is hereby authorized to execute a second amendatory agreement to the original contract with the New York State Canal Corporation dated January 24, 2002; and be it further

RESOLVED, that the second amendatory agreement shall allow public access to County right of way whereon the Canal Way Trail is located for a period of 25 years; and be it further.

RESOLVED, that the Clerk of the Legislature be directed to send certified copies of this resolution to the County Executive, the Director of the Division of Budget, Management and Finance, the

County Comptroller, the Commissioner of the Department of Environment and Planning, and the Commissioner of Public Works.  
(4-0)

9. COMM. 8E-12 (2006)  
**COUNTY EXECUTIVE**

WHEREAS, the Erie County Department of Environment and Planning has received the following lowest responsible bid for the Erie County Sewer District Number 4, Didion and Brunck Road Sewer Extension, Contract 37 on April 7, 2006.

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
Contract 37	Accadia Site Contracting, Inc. 5636 Transit Road Depew, New York 14043	\$526,256.75

WHEREAS, the aforementioned lowest responsible bidder has been recognized as successfully performing similar work in Erie County.

NOW, THEREFORE, BE IT

RESOLVED, that Didion and Brunck Road Sewer Extension, Contract 37 be awarded to the lowest responsible bidder as follows:

<u>Contract</u>	<u>Lowest Responsible Bidder</u>	<u>Amount Bid</u>
Contract 37	Accadia Site Contracting, Inc. 5636 Transit Road Depew, New York 14043	\$526,256.75

and be it further

RESOLVED, that the County Executive be, and hereby is, authorized to execute the Contract with the aforementioned lowest responsible bidder subject to approval as to form by the County Attorney and certification of availability of funds by the Comptroller's Office; and be it further

RESOLVED, that the Comptroller is authorized and directed to allocate \$526,256.75 from Sewer Capital, Erie County Sewer District No. 4, Account C.00063, for Contract 37; and be it further

RESOLVED, that the Clerk of the Legislature be directed to send one certified copy of this Resolution to County Executive Joel Giambra; two (2) certified copies to Thomas J. Whetham, P.E., Department of Environment and Planning; one certified copy to Gregory Gach, Erie County Comptroller's Office and one certified copy to Gregory Dudek, Assistant County Attorney.

(4-0)

**THOMAS J. LOUGHRAN**  
**CHAIRMAN**